

Appl. No. 09/911,621
Amendment dated December 11, 2003
Reply to Office Action of August 12, 2003

REMARKS

In the August 12, 2003 Office Action, all of the claims 1-3, 5, and 7-32 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 12, 2003 Office Action, Applicants have amended claims 1, 20, 31, and 32 as indicated above. Thus, claims 1-3, 5 and 7-32 are pending, with claims 1, 20 and 31-32 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On November 18, 2003, the undersigned conducted a personal interview with Examiner Anthony Stashick, who is in charge of the above-identified patent application. Applicants wish to thank Examiner Stashick for his courteous interview and the opportunity to discuss the above-identified patent application.

During the interview, rejections to claims 1, 31, and 32 were discussed. It was suggested that claims be worded to more clearly state that the bags are separated by the time they are transferred to the first transfer unit. Regarding claims 31 and 32, since the August 12, 2002 Office Action does not discuss the basis for rejections to these claims, Examiner Stashick indicated that if claims 31 and 32 are to be rejected again, it will not be a final Office Action.

Rejections - 35 U.S.C. § 102

On page 2 of the Office Action, claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,794,406 to Reichental et al. ("Reichental patent"). In response, Applicants have amended independent claim 1 to clearly define the present invention over the prior art of record.

In particular, independent claim 1 has been amended to recite that the bags are previously separated before they are supplied to the first transfer unit such that the bags contact the first transfer unit after the bags are separated, and that the first direction in which the bags are dropped is not parallel to the second direction in which the separated bags are carried. Clearly, this structure is *not* disclosed or suggested by the Reichental patent or any other prior art of record.

More specifically, Applicants believe that the Reichental patent does not disclose or suggest the first transfer unit as required by claim 1. The Office Action asserts that the ladder conveyer 82 corresponds to the first transfer unit. As clearly seen in Figure 15, however, the ladder conveyer 82 receives the bags that are dropped to the unnumbered stationary chute, and then onto the ladder conveyer 82 after the unnumbered stationary chute changes the transferring direction of the bags. In other words, bags are not supplied to the ladder conveyer 82 by being dropped thereto, as required by claim 1 and shown in Figure 6 of the present application. This is clearly contrary to the requirement of claim 1, especially in view of the fact that the object of the present invention is to replace a conventional stationary chute with a transfer unit, thereby improving the bag-forming capacity. See page 5, lines 9-19. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1 as now amended is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims 2-3 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims 2-3.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

On pages 3-6 of the Office Action, claims 1-3, 5, 7-10 and 12-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Reichental patent in view of U.S. Patent No. 4,517,790 to Kreager ("Kreager patent"). Claim 11 stands rejected as being unpatentable further in view of U.S. Patent No. 4,719,741 to Mabry ("Mabry patent"). In response, Applicants have amended independent claims 1 and 20 as set forth above.

As discussed above, claims 1 and 20 have been amended to recite that the first transfer unit receives the bags that have been previously separated and are supplied to the first transfer unit by being dropped thereto in a first direction, and that the first transfer unit transfers the bags to the downstream device by carrying the separated bags in a second direction, which is not parallel to the first direction. Applicants believe, however, that the

Reichental patent, the Kreager patent, and the Mabry patent do not show or suggest the arrangement of now-amended claims 1 and 20, whether taken singularly or in any combination.

Regarding the Reichental patent, Applicants believe that the Reichental patent does not satisfy the requirement of claims 1 and 20 that the first direction in which the bags are dropped to be supplied to the first transfer unit and the second direction in which the first transfer unit carries the bags be not parallel. The Office Action asserts that the conveyors 44 and 45 in Figures 3 and 15 correspond to the first transfer unit. As clearly seen in Figures 3 and 15, the conveyors 44 and 45 receive bags that are supplied vertically downward, and carry the bags in a vertically downward direction, which *is* parallel to the direction in which the bags are supplied to the conveyors 44 and 45. Although bags are conveyed upward by the conveyor 82 after the bags are dropped from the conveyors 44 and 45, the change of the conveyance direction is caused by the unnumbered stationary chute, *not* by the conveyors 44 and 45. Clearly, this is contrary to the requirement of claims 1 and 20. Therefore, Applicants believe that the Reichental patent does not disclose or suggest the arrangement of claims 1 and 20.

Regarding the Kreager patent, it has been cited in the Office Action to show the inclined belt 56 in Figure 1. Applicants believe, however, the Kreager patent does not cure the deficiency of the Reichental patent discussed above. More specifically, as clearly seen in Figure 1 and column 3, lines 42-45 of the specification, the vacuum box belt 56 of the Kreager patent, which the Office Action asserts is the first transfer unit, does not change the conveyance direction as required by claims 1 and 20.

Furthermore, in the Kreager patent, the direction in which the bags are dropped to the vacuum box belt 56 and the direction in which the vacuum box belt 56 carries the bags are identical and thus parallel, contrary to the requirement of claims 1 and 20. Although the conveyance direction changes at the guide chute 58, such change of direction is caused solely by the stationary guide chute 58, not by the inclined belt 56. Thus, the inclined belt 56 of the Kreager patent does not perform the change of the conveyance direction, which is required by claims 1 and 20.

Furthermore, Applicants believe that the stationary guide chute 58 cannot be the first transfer unit. Claims 1 and 20 require that the first transfer unit be driven by the first drive

unit. Clearly, the guide chute 58 of the Kreager patent is not driven by any driving unit.

Therefore, Applicants believe that the Kreager patent does not disclose or suggest the arrangement of claims 1 and 20, either singularly or in combination with the Reichental patent.

Regarding the Mabry patent, it has been cited in the Office Action to show the cooling unit. Clearly, the Mabry patent does not disclose or suggest a first transfer unit that changes the conveyance direction of the bags. Therefore, Applicants believe that the Mabry patent does not disclose or suggest the arrangement of claims 1 and 20 either singularly or in any combination.

Regarding dependent claims 2-3, 5, 7-19 and 21-30, they depend from claims 1 and 20, and are therefore narrower. Since the Reichental patent, the Kreager patent, and the Mabry patent do not anticipate or render obvious the arrangements of claims 1 and 20, dependent claims 2-3, 5, 7-19 and 21-30 cannot be disclosed or suggested by the prior art of record.

Therefore, Applicants respectfully request that the rejections to claims 1-3, 5 and 7-30 be withdrawn in view of the above comments and amendments.

Other Prior Art References

Applicants believe that other prior art references do not anticipate or render the claimed invention obvious.

U.S. Patent No. 4,727709 to Zieke (“Zieke patent”) shows a structure in which plies 18, 19 are placed on the unnumbered belt. As clearly seen from Figure 1, the plies 18 and 19 are not separated before the plies are received by the belt. This is contrary to the requirement of claims 1 and 20 as now amended. As indicated above, claims 1 and 20 now clearly require that the bags be separated *before the bags contact* the first transfer unit. This limitation is supported by Figure 6 of the present application. Thus, Applicants believe that the Zieke patent does not disclose or anticipate the arrangement of claims 1-3, 5 and 7-30.

U.S. Patent No. 5,893,260 to McKenna (“McKenna patent”) shows an apparatus for manufacturing sandbags. As shown in Figures 4 and 5, the bags contact and are received by the belt 73 before the bags are separated. This is contrary to the requirement of claims 1 and 20 as now amended. Thus, Applicants believe that the McKenna patent does not disclose or anticipate the arrangement of claims 1-3, 5 and 7-30.

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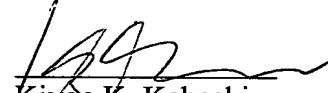
Claims 31 and 32

As indicated above, claims 31 and 32 have been amended to recite that the bags are previously separated before they are supplied to the belt such that the bags contact the first transfer unit after the bags are separated, and that the first direction in which the bags are dropped is not parallel to the second direction in which the separated bags are carried. Applicants believe that these limitations are not discussed or suggested by any of the prior art of record. Accordingly, Applicants believe that claims 31 and 32 are not disclosed or suggested by the prior art of record.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-3, 5, 7-32 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



Kiyoe K. Kabashima
Reg. No. 54,874

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
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